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December 10, 2025

Attorney General Dana Nessel
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

Dear Attorney General Nessel,

I respectfully submit this request for a formal legal opinion concerning the constitutionality and legality of a political party's proposed "endorsement convention" procedure and its imposition of a \$10,000 filing fee on candidates seeking such endorsement.

Article V, § 21 of the Michigan Constitution of 1963 and MCL 168.72 clearly prescribe the exclusive method by which the Democratic and Republican political parties nominate candidates for the constitutionally established offices of attorney general and secretary of State. The nominating power resides solely in the post- primary state conventions of the respective parties.

It has come to my attention that one of the state's major political parties intends to convene a separate "endorsement convention" several months prior to the August primary election. Under the adopted party rules, only a person who has (a) obtained prior endorsement at that separate "endorsement convention" and (b) paid a fee of \$10,000 to appear before the "endorsement convention" may be considered for nomination at the post-primary state convention.

This scheme raises significant questions regarding its consistency with the Michigan Constitution and the Michigan law:

1. Whether a political party may lawfully conduct an “endorsement convention” that purports to bind, limit, or otherwise condition the constitutional authority of the post-primary state convention to nominate candidates for attorney general and secretary of State under Mich. Const. art. V, § 21 and MCL 168.72?
2. Whether a political party may lawfully restrict eligibility to seek nomination at the post-primary state convention to only those individuals who previously received endorsement at a separate “endorsement convention”?
3. Whether a political party may lawfully impose a \$10,000 filing fee (or any monetary assessment) as a prerequisite to seeking endorsement or nomination, and whether such a fee is authorized under or otherwise consistent with Michigan law?
4. Whether conditioning access to the nomination process upon the payment of such a filing fee constitutes an unlawful addition to the qualifications and procedures for nomination established by the Constitution and statutes of this state?

Constitutional and Statutory Nomination Method:

The Michigan Constitution explicitly mandates that nominations for attorney general and secretary of State occur at post-primary state conventions. The framers’ deliberate choice of language establishes a mandatory and exclusive procedure. When the Constitution designates a specific mode of performing a public function, that mode is exclusive and must be strictly followed.

Subordination of Party Rules to Law:

While all political parties unquestionably possess certain First Amendment rights of matters of internal governance, those associational rights do not confer authority to contravene, modify, or supplant constitutional or statutory mandates governing the nomination of candidates for public office. Any internal rule, bylaw, or resolution purporting to alter or restrict the constitutionally prescribed nomination process is void to the extent of the conflict. Private rules of voluntary associations cannot override public law when the association performs a function with public significance, such as the nomination of candidates for public office.

Unauthorized Monetary Exactions:

Michigan law specifies the filing requirements and fees applicable to candidates seeking nomination or election to public office. No provision authorizes a political party to impose a fee payable to itself as a precondition for appearing before a convention or seeking a nomination for attorney general or secretary of State. The imposition of such a fee therefore constitutes an ultra vires act, lacking statutory foundation and inconsistent with the public policy of this state, which requires uniform and legally authorized mechanisms for

candidate qualification. To allow a political party to erect a pecuniary barrier not authorized by law would impermissibly delegate to a private entity the power to determine the financial prerequisites for access to a constitutionally established nomination process. Such a condition, by its very nature, adds to and alters the qualifications fixed by the Constitution and implementing legislation.

Effect of an Endorsement Convention:

An “endorsement convention” that purports to bind or restrict the actions of delegates to the post-primary state convention infringes upon the nomination procedure mandated by the Constitution. The post-primary state convention is the sole forum vested with lawful nominating authority. Any prior assembly seeking to dictate or limit the actions of those delegates usurps authority that the Constitution vests exclusively in the post-primary state convention.

Restriction of Eligibility:

A party rule that renders a person ineligible for nomination at the post-primary state convention solely because they failed to obtain endorsement at a prior event constitutes an impermissible restriction not contemplated by the Constitution or the Michigan law.

Imposition of a \$10,000 Filing Fee:

Absent express statutory authorization, a political party cannot condition eligibility for nomination upon payment of a filing fee. Such an exaction effectively adds a new qualification for office and constitutes a financial barrier to participation in a public nominating process.

Request for Opinion:

For the foregoing reasons, I respectfully request that you provide your legal opinion on the following question:

Whether a political party’s “endorsement convention” may lawfully bind or condition the nominating authority of the post-primary state convention?

Whether a political party may lawfully restrict eligibility for nomination at the post-primary state convention to only those persons endorsed at an earlier event?

Whether a political party may lawfully require the payment of a \$10,000 filing fee—or any fee—as a condition to seeking endorsement or nomination for attorney general or secretary of State, given the absence of statutory authority for such a fee?

Because the announced “endorsement convention” for the Michigan Republican Party is scheduled for March 28, 2026, and given the significant constitutional implications for both potential candidates and the integrity of Michigan’s 2026 election, I respectfully request expedited consideration and issuance of an opinion at the earliest opportunity. Please advise if additional information or supporting documentation would be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed McBroom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ed McBroom
State Senator
38th District